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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,100	03/19/2002	Michel Jurgen	112740-242	8112
29177	7590	11/28/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			MICHALSKI, JUSTIN I	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/889,100

Applicant(s)

JURGEN ET AL

Examiner

Justin Michalski

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 37-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruile et al. "Ruile" (US Patent 6,084,503)

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding Claim 37, Ruile discloses a passive microphone for wirelessly transmitting sound information to a receiving unit, comprising: an antenna (24) that receives electromagnetic excitation energy from the receiving unit (30) and wirelessly transmits electrical signals to the receiving unit (31); and a piezoelectric device (Fig 3) connected to the antenna wherein the piezoelectric device comprises a first device for

Art Unit: 2644

detecting acoustic signals (sensor 12, Col. 4, lines 51-65) and a second device (22) for storing the electromagnetic excitation energy (25) received from the antenna and for converting detected acoustic signals into electrical signals bearing sound information, wherein the first device includes a diaphragm (inherent a microphone will have a diaphragm in order to pick up sound), and wherein the second device includes a diaphragm that has a surface acoustic wave resonant structure (Col. 4, lines 53-57).

Regarding Claim 38, Ruile discloses a passive microphone for wirelessly transmitting sound information to a receiving unit, comprising: an antenna (24) that receives electromagnetic excitation energy from the receiving unit (30) and wirelessly transmits electrical signals to the receiving unit (31); and a piezoelectric device (Fig 3) connected to the antenna such that the piezoelectric device receives and stores electromagnetic excitation from the antenna (signal 30 stored as 25) and said piezoelectric device temporarily stores the excitation energy from the receiving unit in the form of mechanical vibrations (25), wherein detected acoustic signals are converted into electrical signals bearing sound information (Col. 4, lines 51-64).

Regarding Claim 39, Ruile discloses a passive microphone for wirelessly transmitting sound information to a receiving unit, comprising: an antenna (24) that receives electromagnetic excitation energy from the receiving unit (30) and wirelessly transmits electrical signals to the receiving unit (31); and a piezoelectric device (Fig 3) connected to the antenna such that the piezoelectric device receives and stores electromagnetic excitation from the antenna (signal 30 stored as 25) such that the

piezoelectric device detects acoustic signals and converts the detected acoustic signals into electrical signals bearing sound information (Col. 4, lines 51-64).

Regarding Claim 40, Ruile discloses a passive microphone for wirelessly transmitting sound information to a receiving unit, comprising: an antenna (24) that receives electromagnetic excitation energy from the receiving unit (30) and wirelessly transmits electrical signals to the receiving unit (31); and a piezoelectric device (Fig 3) connected to the antenna wherein the piezoelectric device comprises a first device for detecting acoustic signals (sensor 12, Col. 4, lines 51-65) and a second device (22) for storing the electromagnetic excitation energy (25) received from the antenna and for converting detected acoustic signals into electrical signals bearing sound information (31), wherein the second device includes a diaphragm that has a surface acoustic wave resonant structure (Col. 4, lines 53-57).

3. Claims 39 is rejected under 35 U.S.C. 102(e) as being anticipated by Faltys (US Patent 6,308,101).

Faltys discloses a passive microphone for wirelessly transmitting sound information to a receiving unit, comprising: an antenna (Fig. 1F, antenna 220) that receives electromagnetic excitation energy from the receiving unit (136) and wirelessly transmits electrical signals to the receiving unit (i.e. diagnostics, Col. 8, lines 56-67); and a piezoelectric device (210) connected to the antenna such that the piezoelectric device receives and stores electromagnetic excitation from the antenna (216) such that

Art Unit: 2644

the piezoelectric device detects acoustic signals and converts the detected acoustic signals into electrical signals bearing sound information (signals from 214 passing through to 116 and 114).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reindl et al. (US Patent 6,144,332) discloses a passive piezoelectric device receiving, storing, and transmitting electrical signals to avoid battery use.

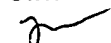
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (571)272-7524. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM



November 17, 2005



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600